

APPENDIX A – ZONING AND LAND USE CODE
ARTICLE VII. PLANNING BOARD

Sec. 1. Purpose.

The purpose of this article is to establish the organization, authority and responsibilities of the planning board.

Sec. 2. Authority.

The planning board is established pursuant to Section 4.05 of the City Charter and the laws of the state as amended.

Sec. 3. Organization and rules.

- (a) A quorum necessary to conduct an official meeting of the planning board shall consist of at least four members.
- (b) The concurring vote of at least four members is required to constitute an action on any matter requiring a public hearing.
- (c) All seven members enjoy the same rights and privileges regardless of any planning board office that they may hold.
- (d) The mayor or chairman of the planning board may call special meetings of the board.
- (e) Any request for a recommendation by the city council shall be acted upon within 30 days of the request except as otherwise provided for by statute or ordinance or unless a longer period is specified by the city council.
- (f) The planning board may adopt rules of procedure and may adopt statements of policy consistent with the Charter and this Code to assist it in the performance of its functions.
- (g) No member of the board shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

Sec. 4. Powers and duties.

- (a) The planning board shall prepare and maintain the official map.
- (b) The planning board shall prepare and maintain a comprehensive plan as defined in 30 M.R.S.A. section 4961 as amended and shall review and make recommendations on all investigations, reports and plans relating to the planning and development of the city or affecting the comprehensive plan.
- (c) The board shall perform those duties prescribed by ordinance and statute including, but not limited to, approving or disapproving subdivisions, making recommendations on amendments to the land use code and administering and enforcing certain provisions of the Code.
- (d) The board shall perform those duties requested by the city council and may perform duties upon request of other public agencies.

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- (e) The board shall review the annual capital program and report to the city council in accordance with Section 6.05 of the City Charter its findings regarding the needs of the city for the improvement, replacement and alteration of existing facilities and the acquisition or construction of additional facilities and the order in which such projects should be undertaken. The board shall hold at least one public hearing prior to making its recommendations to the city council.
- (f) The board shall review and make a recommendation to the city council with regard to all capital expenditures costing \$100,000.00 or more which are not included in the annual capital program.
- (g) The board may provide assistance and recommendations to any municipal department on matters affecting the comprehensive plan. Each officer and department of the city shall give all reasonable aid, cooperation and information to the board.
- (h) The board shall review and make a recommendation to the city council with regard to the acquisition, except through tax lien foreclosure (36 M.R.S.A. section 942 as amended), and disposition of all public ways, lands, buildings and other municipal facilities.
- (i) The powers and duties described in this section are subject to the powers and duties assigned to the historic preservation review board in article XV of this Code.
- (j) Conditional use permits. The board shall hear and decide applications for conditional use permits, where the development is a major development as defined in article XIII of this Code, in accordance with the standards and procedures set forth in article X of this Code.
- (k) Modifications. The board shall hear and decide requests for the reduction of the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, where the development is a major development as defined in article XIII, subsection 3(a)(2) of this Code. In order for the board to grant the aforementioned relief, it must find that the standards contained in article IX, sections 3(9), (10) and (11), as applicable, are met.
- (l) The board shall make determinations necessary for its review of major developments as defined in article XIII of this Code.

(Ord. No. 89-3, 4-7-89; Ord. No. 98-6, 7-2-98; Ord. No. 99-11, 5-20-99)

Sec. 5. Administration and staff support.

- (a) The planning director shall assist the planning board in the administration of its powers and duties including preparing agendas and minutes, providing public notice of meetings, handling correspondence and maintaining all official records.
- (b) Unless otherwise specifically provided in this Code, whenever the planning board conducts a public hearing, notice of said public hearing shall be provided by publication of said notice at least seven days prior to the hearing in a newspaper of general circulation in the city.

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Sec. 6. Appeal of planning board action.

Any appeal from an action of the planning board in administering the provisions of this Code shall be made to the superior court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure as amended.